

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**JEREMY RODRIGUEZ-ORTEGA AND  
JOSHUA RODRIGUEZ,**

**Plaintiffs,**

**v.**

**No. 1:21-cv-01129-JCH-KK**

**DAVID RICH, KENNETH LUCERO,  
in their official and individual capacities,  
AND NEW MEXICO DEPARTMENT OF HEALTH,**

**Defendants.**

**RECORD ON REVIEW INDEX OF JEREMY RODRIGUEZ-ORTEGA**

The New Mexico State Personnel Board hereby files this Record on Review Index in accordance with Rule 1-074(H) NMRA.

Parties entitled to notice are as follows:

Heather Burke  
Attorney at Law  
*Attorney for Plaintiffs*  
1000 Cordova Place #24  
Santa Fe, NM 87505  
Phone: (505) 428-9424  
Email: [heather@hburkelaw.com](mailto:heather@hburkelaw.com)

Paula G. Maynes  
Miller Stratvert PA  
*Attorneys for Defendants*  
200 West DeVargas, Suite 9  
Santa Fe, NM 87501  
Phone: (505) 989-9614  
Email: [pmaynes@mstlaw.com](mailto:pmaynes@mstlaw.com)

Attached as part of the agency record are copies of the following:

	20-028	<b>Pleadings: Bates # 00001 - 00184</b>
1	07/27/2020	Notice of Final Action
2	08/21/2020	Notice of Appeal
3	09/14/2020	Acceptance of Appeal; Scheduling Order
4	10/19/2020	Entry of Appearance—Appellant (Burke)
5	11/09/2020	FILED Stipulated Pre-Hearing Order APPROVED as to form: 11/12/2020
6	01/26/2021	Entry of Appearance for Appellee (Ackermann, Akenhead, Tucker)
7	04/13/2021	Notice of Case Reassignment
8	04/13/2021	Notice of Hearing
9	04/13/2021	Appellee's Final Witness List
10	04/15/2021	Motion to Vacate and Reset Hearing
11	04/16/2021	Order Granting Motion to Vacate and Amended Scheduling Order
12	04/26/2021	Appellee's Certificate of Service
13	05/06/2021	Notice of Hearing
14	05/12/2021	Stipulated Motion to Vacate and Reset Hearing
15	05/13/2021	Order Granting Motion to Vacate and Second Amended Scheduling Order
16	05/21/2021	Notice of Hearing
17	06/03/2021	Appellee's Final List of Exhibits
18	06/07/2021	Appellant's Final List of Exhibits
19	06/09/2021	Appellee's Amended Final List of Exhibits
20	06/09/2021	Appellant's updated Final List of Exhibits (Changed from listing Numerical to Alphabetically)
21	06/14/2021	Post-Hearing Scheduling Order for Written Closing Statements, Proposed Findings of Fact, and Proposed Conclusion of Law
22	07/12/2021	Unopposed Request for a Two-Day Extension of Due Date (Moot)
23	07/12/2021	Appellee's Written Closing Argument, Proposed Findings of Fact, and Proposed Conclusions Law
24	07/12/2021	Appellant's Proposed Findings of Fact and Conclusions of Law
25	10/14/2021	Recommended Decision
26	10/14/2021	Post-Hearing Scheduling Order for Exceptions
27	11/04/2021	Appellant's Exceptions and Objections to Judge Baca's Recommended Decision
28	12/10/2021	Final Decision
	Emails/Letters	Correspondence: <b>Bates # 00185 - 00270</b> ° <i>Dated from December 13, 2021 – September 7, 2020</i>
	Exhibits	Hearing Exhibits: <b>Bates # 00271 – 00441</b>

	1 CD Combined w/20-018	Record transferred onto a CD due to size (Bookmarked)
	Audio Recordings 1 DVD Combined w/20-018	<ul style="list-style-type: none"><li>◦ June 10 &amp; 11, 2021 Merits Hearing</li><li>◦ Audio Index Log of Merits Hearing: 2 pages</li></ul>

Respectfully Submitted,  
**RAUL TORREZ**  
**NEW MEXICO ATTORNEY GENERAL**

/s/ Daniel R. Rubin  
Daniel R. Rubin  
Assistant Attorney General  
New Mexico Office of the Attorney General  
408 Galisteo Street  
Santa Fe, NM 87501  
(505) 537-4477  
[drubin@nmag.gov](mailto:drubin@nmag.gov)

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the forgoing Record on Review was filed through PACER this 22<sup>nd</sup> day of September 2023, causing the following counsel of record to be served by electronic means.

Heather Burke  
Attorney at Law  
*Attorney for Plaintiffs*  
1000 Cordova Place #24  
Santa Fe, NM 87505  
Phone: (505) 428-9424  
Email: [heather@hburkelaw.com](mailto:heather@hburkelaw.com)

Paula G. Maynes  
Miller Stratvert PA  
*Attorneys for Defendants*  
200 West DeVargas, Suite 9  
Santa Fe, NM 87501  
Phone: (505) 989-9614  
Email: [pmaynes@mstlaw.com](mailto:pmaynes@mstlaw.com)

/s/ Daniel R. Rubin  
Assistant Attorney General